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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re ABRAMA M., a Person Coming
Under the Juvenile Court Law.

B235048
(Los Angeles County
Super. Ct. No. CK75650)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

ABRA M.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County. Anthony Trendacosta, Juvenile Court Referee. Affirmed.

Law Office of Lisa A. Raneri and Lisa A. Raneri, under appointment by the Court of Appeal, for Defendant and Appellant Abra M.

Amir Pichvai for Plaintiff and Respondent.

* * * * *

Abra M. (mother) appeals from the juvenile court's June 21, 2011 order, which found that she received reasonable services with respect to obtaining counseling with a licensed therapist, as part of her case plan regarding her oldest daughter, Abrama M. (now age 8). Mother also contends the juvenile court erred in denying her request to modify the case plan to permit her to receive counseling from an intern supervised by a licensed therapist. We conclude this last contention is not ripe for appeal and otherwise affirm the court's June 21, 2011 order regarding reasonable services.

FACTUAL AND PROCEDURAL BACKGROUND

This appeal follows numerous appeals filed by mother pertaining to Abrama.¹ Last year we issued two opinions in this case, *In re Abrama M., et al.* (February 1, 2011, B216673 [nonpub. opn.]) and *In re Abrama M.* (October 3, 2011, B229236 [nonpub. opn.]). The facts and history of this case are so well known to the parties and this court that we will not repeat them here.

At the October 18, 2010 disposition hearing, the juvenile court ordered reunification services for mother, which included individual counseling with a licensed therapist to address anger management and other issues. A six-month review hearing pursuant to Welfare and Institutions Code section 361.2, subdivision (e)² was scheduled for January 18, 2011, but was repeatedly continued until June 7, 2011. In the meantime, the Los Angeles County Department of Children and Family Services (the Department) filed a report on January 18, 2011, which indicated that the social worker was in weekly contact with mother regarding her enrollment in counseling. Mother stated that she was on the waiting lists at three centers, Richstone Family Center, Didi Hirsch, and The New You Center, Inc. program (New You), for individual counseling. Mother stated that she

¹ Mother has two younger daughters who are also dependents of the juvenile court, Abigail M. and Amansah M., who are not parties to this appeal. Brian C. is the father of these two daughters and James S. is Abrama's father.

² All statutory references are to the Welfare and Institutions Code, unless otherwise noted.

had been going to New You, but had not been assigned a therapist. The Department noted that while mother was committed to the care of her children, her anger and rage toward the Department were an obstacle in completing court-ordered services.

In its March 1, 2011 report, the Department reported that on February 2, 2011 the social worker gave mother a flyer from the Richstone Family Center which had “openings.” Mother responded that the center was too far away and that she and Brian C. had started counseling at New You. On February 25, 2011, the New You program director informed the social worker that mother had enrolled in the program on February 1 and was attending group and individual sessions. The director clarified that mother had enrolled in an “outpatient drug program.” When the social worker explained that mother needed to see a licensed therapist, the director stated that she would refer mother and Brian to a licensed clinical social worker and request conjoint sessions because mother had Medi-Cal insurance. In its March 22, 2011 report, the Department reported that the social worker contacted the New You program on March 8, 2011 and confirmed that mother and Brian were still attending. The social worker contacted New You again on March 17, 2011, but was unable to obtain confirmation that mother was seeing a licensed clinical social worker.

On May 9, 2011, mother filed a section 388 petition seeking unmonitored visitation with all three daughters. Attached to her declaration were certificates showing completion of “anger management” and “individual sessions” at Lawndale Medical and Mental Health Services, dated May 11, 2010, and letters from New You confirming her enrollment and participation in group and individual sessions. The court scheduled the petition for hearing on June 7, 2011.

In its June 7, 2011 report, the Department noted that it still had no verification that mother was seeing a licensed therapist. At a team decision-making (TDM) meeting on April 6, 2011, it was agreed that mother would be provided with additional referrals to licensed therapists. When the social worker asked mother if she wanted the referrals to be mailed to her or given to her at the next scheduled visit with her children, mother did not respond. On May 12, 2011, when the social worker attempted to provide mother with

the additional referrals, mother declined the information and said she would get it from her attorney.

At the June 7, 2011 hearing, the social worker testified that she recalled having conversations with mother about mother's inability to afford counseling with a licensed therapist. The social worker also testified that in October 2010 she gave mother a referral packet with "no-cost/low-cost referrals that would go by her income." The social worker also testified that mother never requested additional counseling referrals or indicated that she was having difficulty finding a licensed therapist.

Mother testified that she asked "numerous times to receive any type of assistance in the cost with individual counseling because [she] really wanted to comply." She testified that she called the referrals listed in the packet and that some were not accepting adults because of state budget cuts and that others charged \$60 or \$90 a session, which she could not afford. She also testified that her name was dropped from the Richstone Family Center waiting list when she could not afford to pay her phone bill, but she got her name added back on May 10, 2011.

The New You program director testified that she was present at the TDM meeting on April 6, 2011 and that there were discussions about whether mother could afford counseling with a licensed therapist. She also testified that the Department did not seem receptive to assisting mother with services.

At a hearing on June 21, 2011, the juvenile court issued a written ruling regarding all three of mother's daughters. The court questioned mother's credibility, found that she had never fully complied with the court's orders, and was "still incapable, after more than three years, of accepting any responsibility for her children being subject to the court's jurisdiction." The court denied mother's section 388 petition, finding she had failed to meet her burdens of showing a true change in circumstances and that the requested modification would be in the children's best interest. As to Abrama, the court rejected mother's argument that the Department had failed to provide her with reasonable services, finding "[t]he record is more than clear that reasonable services were provided." The court nevertheless noted that, "[as] absurd on its face as this may be," because

Abrama was over the age of three at the time of her detention, a strict reading of the statutory and case law required that mother be granted 12 months of reunification services until the next hearing date on July 6, 2011.

After the court issued its ruling, mother's attorney stated the following: "The court had previously ordered my client attend therapy with a licensed therapist. I did bring up in my argument my client cannot afford that. She does intend to seek—she does intend to file a 388 at some point. And we would like that order to be modified. If the court can order therapy with an intern, who is supervised by a licensed therapist, in order to accommodate her economic situation." Mother's attorney then moved on to other issues and the matter was not revisited or further addressed by the court. This appeal from the court's June 21, 2011 order followed.

DISCUSSION

I. Reasonable Services

Mother contends the evidence was insufficient to support the juvenile court's finding that she received reasonable services under section 366.21, subdivision (e).³ Specifically, she argues the Department "failed to reasonably assist [her], who is indigent, financially with her difficulties obtaining affordable individual counseling with a licensed therapist."

The substantial evidence test applies to the review of reasonable services findings. (*In re Alvin R.* (2003) 108 Cal.App.4th 962, 971.) Our review on appeal follows the ordinary rules for substantial evidence, notwithstanding that the finding below had to be made by clear and convincing evidence. (*Ibid.*; *In re H.E.* (2008) 169 Cal.App.4th 710, 724.) "“In juvenile cases, as in other areas of the law, the power of an appellate court asked to assess the sufficiency of the evidence begins and ends with a determination as to whether or not there is any substantial evidence, whether or not contradicted, which will

³ Section 366.21, subdivision (e) requires the juvenile court to determine whether reasonable services "have been provided or offered to the parent."

support the conclusion of the trier of fact.”” (In re Alvin R., *supra*, at p. 971, citing *In re Rocco M.* (1991) 1 Cal.App.4th 814, 820.) ““ All reasonable inferences must be in support of the findings and the record must be reviewed in the light most favorable to the juvenile court’s order.”” (In re Basilio T. (1992) 4 Cal.App.4th 155, 168.)

Mother argues the Department failed to provide her with reasonable services because “[a]lthough the social worker knows [mother] is indigent, there is no substantial evidence the social worker reasonably assisted [mother] with her difficulty finding an appropriate service provider or acted to fund individual counseling with a licensed therapist.” We agree with the Department that “[t]he issue of indigency as the basis for appellant’s failure to participate in much-needed and court-ordered individual counseling is a belated, misplaced and unsupported attempt to justify appellant’s failure to comply with the court’s orders.” Indeed, mother’s own section 388 petition filed as recently as May 9, 2011 made no reference to her inability to comply with the court’s counseling orders, for financial reasons or otherwise.

The record supports the finding that the Department provided mother with reasonable services regarding the court-ordered individual therapy with a licensed therapist. In October 2010, the social worker assigned to the case gave mother a referral packet that provided information about licensed therapists, including low-cost and no-cost therapists, which mother acknowledged receiving. Thereafter, the social worker stayed in weekly contact with mother regarding her participation in counseling. Mother indicated that she was on the waiting lists for counseling at three centers. On January 4, 2011, mother told the social worker she was attending the New You program, but had not yet been assigned a therapist.

The social worker nevertheless continued in her efforts to assist mother with obtaining the court-ordered counseling. On February 2, 2011, the social worker gave mother a flyer from the Richstone Family Center, indicating that it had openings. Mother responded that the center was too far away. On February 25, 2011, the social worker spoke with the New You program director and explained that mother needed to be in individual counseling with a licensed therapist. The program director stated that she

would refer mother and Brian for conjoint sessions with a licensed clinical social worker since mother's Medi-Cal insurance would cover the cost. As of March 17, 2011, the social worker was still following up with New You to ensure that it was arranging for mother to be seen by a licensed therapist, since it appeared that mother would be using that agency to obtain the court-ordered counseling. At the TDM meeting on April 6, 2011, the issue of appellant's participation in counseling with a licensed therapist was discussed, and it was agreed that additional referrals would be given to mother. But when the social worker attempted to provide the information to mother in May 2011, she declined it, stating she would get it from her attorney.

While mother testified at the June 7, 2011 hearing that she had contacted some of the referrals provided by the social worker and was told they were either not accepting adults because of budget cuts or were charging \$60 or \$90 per session, she never identified which programs she contacted or when. When the social worker informed mother there were openings at the Richstone Family Center, mother responded that it was too far away. Nevertheless, mother testified that she had already placed her name on Richstone's waiting list, and claimed she was kicked off when she could no longer afford to pay her phone bill. But the Department's reports repeatedly noted that mother regularly took calls on her cell phone during her visits with the children and left the visits early to carry on phone conversations. Nowhere in the Department's reports was there any mention that mother's financial circumstances were an impediment to her ability to attend therapy with a licensed therapist. The juvenile court found mother's testimony not credible, and we are bound by that finding.

We are satisfied that substantial evidence supports the juvenile court's finding that mother received reasonable services.

II. Section 388 Petition

Mother contends the juvenile court erred when it refused to modify the case plan to permit her to be in therapy with an intern supervised by a licensed therapist. But this issue is not ripe for appeal.

Mother's section 388 petition filed on May 9, 2011 was the only petition before the court at the June 7, 2011 hearing which sought modification of the case plan. That petition mentioned nothing about counseling services, instead seeking unmonitored visitation. Only after the juvenile court issued its June 21, 2011 written ruling on the matters pending at the June 7 hearing did mother's attorney raise the issue of mother receiving counseling by an intern. Her attorney did so by informing the court that mother "does intend to file a 388 at some point." We reject mother's attempt to interpret this statement as an immediate request for modification. Moreover, the juvenile court never ruled on such a request. Accordingly, there is no ruling for us to review at this time, making the issue not ripe for appeal. (*In re Marriage of Hubner* (2001) 94 Cal.App.4th 175, 187.)

DISPOSITION

The court's June 21, 2011 order finding that mother received reasonable services is affirmed.

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_____, J.

DOI TODD

We concur:

_____, P. J.

BOREN

_____, J.

ASHMANN-GERST